

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10846 OF 2026

XYZ .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

...

Ms Manisha Jagtap, appointed Advocate through Legal Aid, for the Petitioner.

Ms M. P. Thakur, AGP, for the Respondent-State.

...

**CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED : 24th AUGUST, 2026

P.C:-

1. In light of our direction, a report from the Medical Board constituted at Sir J. J. Group of Hospitals is placed before us.

The report referred to the gestational age of 31 weeks and 3 days (+/- 3 weeks), and on examining the patient, who had expressed her strong desire to terminate the pregnancy, an opinion is expressed that, if the pregnancy is terminated at this stage, the fetus would have a probability of being born alive and may require intensive neonatal care.

The report comprise of opinions of the heads of various departments, including the Assistant Professor and Head, Department of Pediatrics; Associate Professor, Department of Medicine and Assistant Professor, Department of Anesthesia, and at the end of their individual opinions, the Medical Board has expressed its opinion as below:

Rushikesh

COMMITTEE OPINION

AFTER CAREFUL EXAMINATION AND STUDY OF ULTRASONOGRAPHY REPORTS, THE BOARD IS OF THE OPINION:

The patient and her mother have been thoroughly counselled. They have expressed a strong desire for termination of pregnancy at this stage. It is possible that the baby may be born alive and may survive with appropriate medical care and interventions. As the pregnancy is beyond 24 weeks and the foetus is not anomalous, this Medical Board is not empowered to grant the termination of pregnancy under the existing legal provisions.

However, if so directed by the Hon'ble Court, termination may be considered in the interest of the mother's psychological health and to prevent grave, irreparable harm to her mental well-being if she is compelled to continue the pregnancy against her wishes. Single Live intrauterine gestation of mean gestational age 31 weeks and 3 days (+/- 3 weeks) with breech Presentation fundoposterior placenta EFW-1640 gm with normal AFI & Doppler study As fetus has crossed more than 24 weeks of gestation, fetus may be live-born and relatives have been counselled that fetus may require NICU support. Medical termination of pregnancy can be permitted with due risk.

Patient is not suffering from any psychiatric illness. No contraindication for MTP from psychiatry side. Patient can be taken for MTP with due risk. Senior dermatology reference. Patient fit for procedure from anaesthesia point of view.

2. The Petitioner before us is a minor girl and pursuing her education.

While she was pursuing her education, she was taken to the hospital on account of her ill-health. It was revealed that she was carrying a pregnancy of 28 weeks 6 days, which

resulted in the registration of an FIR invoking the provisions of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

The Petitioner, being a minor, has approached this Court seeking termination of pregnancy by exercising her freedom not to continue with the pregnancy, and, as she was already carrying a pregnancy of about 29 weeks when the FIR was filed, the Petitioner has approached this Court for protection of her bodily autonomy and the rights available to her.

Upon the report being received by us, with the clear-cut opinion expressed from the Medical Board that medical termination may be allowed with due risk, as the fetus may be born alive and would require NICU support, we deem it appropriate to grant the necessary permission to terminate the pregnancy, taking into consideration the wish of the Petitioner not to continue with the pregnancy.

The Writ Petition is made absolute in the aforesaid terms.

We direct the Petitioner to be immediately admitted to the hospital, and necessary steps be taken to implement the Medical Termination of Pregnancy Act, 1971 by taking all necessary precautions and being ready with all the necessary medical facilities to be made available to the Petitioner as well as to the fetus.

(ASHISH S. CHAVAN, J.)

(BHARATI DANGRE, J.)